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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,715	08/06/2001	Takahiko Ogikubo	Q65544	8771
7590	06/16/2006		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS			TOPGYAL, GELEK W	
2100 Pennsylvania Avenue, N.W.			ART UNIT	PAPER NUMBER
Washington, DC 20037-3202			2621	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/921,715	OGIKUBO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gelek Topgyal	2621

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1 filed April 3, 2006 have been considered but are moot in view of the new ground(s) of rejection.

In re page 5, the applicants argue that Taira does not teach a title selecting device wherein image information of one or more images and title recording information including a title corresponding to said image information are recorded in a disk, and that titles corresponding to the image information recorded in the disk are displayed in a title image on a display section, and one of displayed titles is selected, and the image information corresponding to the selected title is read from the disk and displayed on the display section.

Furthermore, in re page 6, the applicants argue that Taira does not teach a title image recording section and a title recording section storing the title recording information read from the disk.

In response to the arguments in re page 5, the examiner respectfully disagrees. Taira teaches in col. 9, line 42 – col. 10, line 14, and Figs. 1, 5, 7, and 9, of a title selection device, wherein a menu screen is displayed which meets the limitation of a title image. Title information in the form of TITLE\_PIC and TITLE\_PTR are then used to display the titles, in the form of title screens, on top of the displayed menu. The user is then given the opportunity to select a desired video program and thereby the corresponding video is displayed (Fig. 6, S18-S19). It is clear that in the case where the optical disk contains only one video sequence the background menu will remain the

same as compared to a disk, which has more than one video sequence, therefore, the displayed menu (title image) and the titles (title recording information) are displayed one on top of another.

In response to the arguments in re page 6, Taira in col. 9, line 42 – col. 10, line 14 that during reproduction of the data on the optical disk, the system CPU 17 recognizes the files required for the menu display (which includes menu screen image and title information) and are stored into memory 18 and further into frame memory 19a. The information stored in memory 18 and 19a are then used to display the menu with the selectable titles.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira (US 6,415,098) in view of Nishikawa et al. (US 6,869,608).

**Regarding claim 1**, Taira teaches a title selecting device for an information reproducing apparatus, wherein image information of one or more images and title recording information including a title corresponding to said image information are recorded in a disk (See Fig. 5 and col. 8, lines 36-54, Taira discloses a disk 10 that stores title recording information, met by data in the TITLE\_PIC or the TITLE\_PTR directory. See Fig. 4, the main image pack contains one or more images that are stored

on disc 10, which meets the limitation), and titles corresponding to the image information recorded in the disk are displayed in a title image on a display section (See Figs. 1, 5, 7, 9, col. 9, line 42 – col. 10, line 14, Taira teaches a menu screen displayed to the user which meets the limitation of a title image, within which title frames from the TITLE\_PIC or TITLE\_PTR directory (which meets the limitation of titles corresponding to the image information) are displayed), and one of the displayed titles is selected (Fig. 6, at step S18, where the user selects one of the titles displayed on the menu), and the image information corresponding to the selected title is read from the disk and displayed on the display section (See Fig. 1, 21 connects to a display section), the device comprising: a title image recording section storing the title images; a title recording section storing the title recording information read from the disks (Col. 9, line 42 – col. 10, line 14, Taira teaches that during reproducing of the optical disk, the system CPU 17 recognizes the files required for the menu display (which includes menu screen image and title information) and are stored into memory 18 and further into frame memory 19a. Taira further teaches that the menu screen in Fig. 7 is generated and displayed, and that the still images for the titles are displayed with the use of TITLE\_PTR information); read means for reading a typical image corresponding to the selected title when a preview command is entered (See Fig. 6, S18-S19, Taira teaches during menu display, the user can choose any of the titles displayed, the selection made by the user is interpreted as preview command. The title selected is thereby reproduced by use of pointer information in TITLE\_PTR information); Taira teaches that the read typical image (Main data information corresponding to the user selection) is displayed but fails

to particularly teach that the display means for displaying the read typical image is superimposed on said title image displayed on the display section.

In an analogous art, Nishikawa et al. teaches title recording system wherein a menu is displayed superimposed on a program that a user is watching. The menu allows a user to select a title for a program that a user wishes to record (See Figs. 9-12).

Taira discloses the motivation to provide a recording/recording apparatus that is capable of easy and precise search by making an arrangement such that parts of images recorded in a recording medium can be viewed (col. 2, lines 30-36), and hence previewing an image as the claimed invention would have been obvious.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to superimpose a displayed image on a menu as taught by Nishikawa et al. into the system of Taira to allow a user to see two different images at the same time so as to improve ease and precise search of desired video sequences.

**Regarding claim 2,** the proposed combination of Taira and Nishikawa et al. meets the limitation of claim 1 as discussed above, and furthermore Nishikawa et al. shows that the image superimposed on the menu is at the same resolution, or at full screen, as can be seen in Figs. 9-12. Furthermore, Taira teaches in Fig. 6, steps S18 and S19, where once the user selects an image corresponding to the desired title screen, the image of the title screen is reproduced. By reproducing the program, the first frame of the image and the subsequent frames from the main image pack are displayed

on the display unit at the same magnifying power or full screen, which is the same displayed magnifying power of the displayed menu.

**Regarding claim 3,** the proposed combination of Taira and Nishikawa et al. meets the limitations of claim 1 as discussed above, and furthermore Taira discloses in col. 9, line 42 – col. 10, line 14, that title information, which includes TITLE\_PTR, is stored locally on the memory 18 by the CPU 17 during reproduction. Furthermore, when the user selects a title displayed on the menu, TITLE\_PTR, which describes the recording start positions or address of the programs corresponding to the title screens (Fig. 6, S18-S19, and col. 8, lines 29-35), the corresponding video is acquired.

**Regarding claim 4,** the proposed combination of Taira and Nishikawa et al. meets the limitations of claim 3 as discussed above, and furthermore Taira teaches that TITLE\_PTR holds information on the recording start positions or address of the programs corresponding to the title screens as stored on the disk (Col. 9, lines 14-20 and col. 6, lines 29-36), and since the images are reproduced by using the recording start position file, the actual image information is located at the recording start position file.

**Regarding claim 5,** the proposed combination of Taira and Nishikawa et al. teaches all the limitations of claim 1 as discussed above, and furthermore Taira teaches that after the user selects the video program to be reproduced, the corresponding video is displayed on the display section. The video displayed is a sequence of still images and therefore the limitation is met by having displayed the first frame of the video.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grandbois (US 6,188,835) discloses an optical disk system and method for storing data allowing playback of selected portions of recorded presentations.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

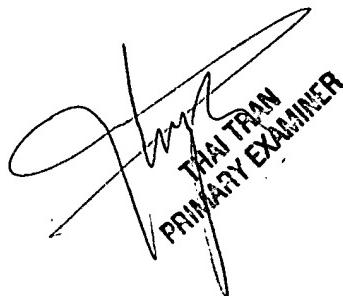
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gelek Topgyal  
6/9/06



THAI TRAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Gelek Topgyal". To its right is a printed name and title: "THAI TRAN" on top, followed by "PRIMARY EXAMINER" below it, all in a standard sans-serif font.